

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

BUTCH BAKER, #34381	§ § § § § §	PETITIONER CAUSE NO. 1:10CV458 LG-RHW RESPONDENTS
v.		
CHARLES ABRAMS and CHRISTOPHER EPPS		

**ORDER ADOPTING REPORT AND RECOMMENDATIONS
AND DISMISSING PETITION FOR WRIT OF HABEAS CORPUS**

This cause comes before the Court on the Report and Recommendations [9] of United States Magistrate Judge Robert H. Walker entered in this cause on April 1, 2011. Magistrate Judge Walker reviewed Petitioner's Application for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, the Respondent's Motion to Dismiss, and the Petitioner's response. He determined that the grounds asserted in the Application did not entitle Petitioner to relief because the petition was time-barred, and therefore the Application should be denied and the petition dismissed.

Petitioner's copy of the Report and Recommendations was mailed to his address on file on April 1, 2011. The Petitioner has not filed any objection to the Magistrate Judge's findings or conclusions. Under these circumstances, the Court need only review the Report and Recommendations and determine whether they are either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After having thoroughly reviewed the Report and Recommendations, the Court finds them neither clearly erroneous nor contrary to law. The Magistrate Judge properly found that Petitioner's time for filing for federal habeas relief expired April

24, 1997, and this Application, filed September 20, 2010, was time-barred. The Report and Recommendations will therefore be adopted as the findings and conclusions of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendations [9] of United States Magistrate Judge Robert H. Walker entered in this cause on April 1, 2011, should be, and the same hereby are, adopted as the findings of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Respondent's Motion to Dismiss [6] is **GRANTED**. Petitioner's Application for habeas corpus relief pursuant to 28 U.S.C. § 2254 is **DISMISSED**.

SO ORDERED AND ADJUDGED this the 11th day of May, 2011.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE